

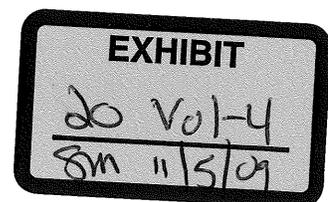
JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:

Circuit Court, 2nd Circuit, Seat 1

1. NAME: Mr. Doyet A. "Jack" Early, III
BUSINESS ADDRESS: Post Office Box 90
Bamberg, South Carolina 29003
E-MAIL ADDRESS: dearlyj@sccourts.org
TELEPHONE NUMBER: (office): 803-245-4000
2. Date of Birth: 1948
Place of Birth: Orangeburg, South Carolina
3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on July 20, 1969, to Linda Lee Foy Early. Never divorced. Two children.
6. Have you served in the military? Yes, March 1970 - February 1976, Air National Guard, Sgt., XXX-XX-XXXX, Honorable Discharge
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
University of South Carolina 1966-1974, BS and JD
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina, 1974
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held. None
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 19 th Annual Criminal Law Update	01/23/2004;
(b) 2 nd Annual Civil Law Update	01/23/2004;
(c) 2004 SC Circuit Judges' Conf	05/05/2004;
(d) 2004 Orientation School for Judges	07/12/2004;
(e) 2004 Judicial Conference	08/19/2004;
(f) Judicial Oath of Office	08/19/2004;
(g) Seminar for Chief Administrative Judges	12/10/2004;
(h) 20 th Annual Criminal Law Update	01/21/2005;



- (i) 2005 Circuit Judges Conf 05/11-13/2005;
 - (j) 2005 Annual Judicial Conf 08/24/2005;
 - (k) 2005 Annual SC Solicitor's Conf 09/25/2005;
 - (l) SCDTAA Annual Meeting 11/03/2005;
 - (m) Fourth Annual Civil Law Update 01/27/2006;
 - (n) 21st Annual Criminal Law Update 01/27/2006;
 - (o) Young Lawyers Division 01/28/2006;
 - (p) 2006 Annual Judicial Conference 08/23/2006;
 - (q) Conflicts and Ethics 10/12/2006;
 - (r) 22nd Annual Criminal Law Update 01/26/2007;
 - (s) 5th Annual Civil Law Update 01/26/2007;
 - (t) 2007 Annual Judicial Conference 08/22/2007;
 - (u) 23rd Annual SC Criminal Law Update 01/25/2008;
 - (v) 6th Annual Civil Law Update 01/25/2008;
 - (w) 2008 Judicial Conference 08/20/2008;
 - (x) SCDTAA Annual Meeting 11/13/2008;
 - (y) 7th Annual Civil Law Update 01/23/2009;
 - (z) 2009 Annual SC Circuit Judges' Conference 05/06-08/2009.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I participated in a panel discussion at the Solicitor's Conference on recent legal developments in the area of criminal law.
 - (b) I participated in a presentation with other judges at the Charleston School of Law on the professional responsibilities of attorneys before the student body.
 - (c) I participated in a panel with other judges at the S.C. Defense Association; topic was "Observation from the Bench"
 - (d) While still in practice, I lectured at a number of CLEs on medical malpractice issues.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- Bifurcated Punitive Damages Proceedings, D. A. Early, III, Richard B. Ness & Norma A. T. Jett (South Carolina Trial Lawyer, Summer 1998)
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the Courts of South Carolina in November of 1974
 - (b) Admitted to practice before the Federal District Court in November of 1975
 - (c) Admitted to practice before the Fourth Circuit Court of Appeals in July of 1977

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) November 1974 to July 1976 practiced with W. D. Rhoad, Bamberg, SC - general practice
 - (b) In July 1976, opened as a sole practitioner. My practice grew and at the time I took the bench I was the senior and founding member of Early & Ness, a firm with three partners, two associates and staff. I served as the County Attorney for over 25 years. My practice covered all general areas with particular emphasis on medical malpractice litigation.
15. What is your rating in Martindale-Hubbell? A. V.
22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
- Circuit Judge since 05-01-04; 2nd Circuit, elected.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Estate of James Brown - numerous orders regarding all aspects of the administration of his estate, one order appealed and affirmed by Court of Appeals
 - (b) Graniteville Train Derailment - numerous orders regarding the management of the largest mass tort in our state
 - (c) Herron v. Carmax et al - Quasi class action orders regarding suit over car dealer administrative fees
 - (d) Heritage v. SCANA and Surburban Gas - two week jury trial over the sale of a portion of SCANA's assets - allegations of breach of contract, breach of contract with fraudulent intent and many more issues - Jury returned a multi-million dollar verdict. I issued numerous orders in the case on pretrial issues as well as post trial matters dealing with election of remedies, attorney fees and the amount of the verdict.
 - (e) Jamison v. Texaco et al - trial that concluded with a 30 million dollar verdict for a quadriplegic plaintiff- Many orders were issued including orders for summary judgment, orders dealing with complicated agency questions, orders dealing with former justices testifying as experts on interpreting contracts, as well as many post trial orders.
24. Have you ever held public office other than judicial office? No
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. None

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No
28. Are you now an officer or director or involved in the management of any business enterprise? No
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. None
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?
I was sued by a former client who I represented for the murder of his wife. He was convicted. He sued, claiming I failed to appeal his conviction of murder. The case was dismissed once the trial court was presented an affidavit from the South Carolina Supreme Court verifying the notice of appeal had been timely filed by me and turned over to the Office of Appellate Defense. The case was filed in the court of Common Pleas, Barnwell, South Carolina, C/A # 94-CP-06-150 and dismissed with prejudice on August 14, 1994.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None

39. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
South Carolina Bar
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere. None
48. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
I consider my election and service since May 1, 2004, as a circuit court judge to be the highest professional honor and privilege that I have ever had. I take all of my duties, requirements and responsibilities with the strongest professional and personal commitment possible. I have attempted to conduct myself professionally and personally in such a manner to avoid any negative reflection on our judicial system. I am 61 years old, have been married for 40 years, practiced law for 30 years, raised 2 boys, was the oldest of 5 children

and now have two granddaughters; I use all of the experiences in the above roles to guide my everyday decisions as a judge.

49. References:

- (a) F. Marion Dwight, M.D.
P.O. Box 120
Bamberg, SC 29003
803-245-5168
- (b) Bill Varn
P.O. Box 8
Ehrhardt, SC 29081
803-267-2316
- (c) Hon. Liz Godard
P.O. Box 583
Aiken, SC 29802
803-642-1587
- (d) John Sanders
10355 Dunbarton Blvd
Barnwell, SC 29812
803-259-3151
- (e) Strom Johnston
1201 Main Street, Suite 500
Columbia, SC 29201
803-737-0037

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Doyet A. Early, III

Date: August 12, 2009

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(Incumbent)

Full Name: Doyet A. "Jack" Early, III
Business Address: Post Office Box 90
Bamberg, South Carolina 29003
Business Telephone: 803-245-4000

1. Why do you want to serve another term as a Circuit Court Judge? I want to continue to serve the citizens of South Carolina as a Circuit Court Judge. My decisions directly or indirectly impact the lives of many of our people; I am cognizant of this fact and strive to make decisions that are fair, just, in accordance with the law and tempered by justice in each case. I have enjoyed my job and hope to continue to provide the people of this state with qualified and caring judicial service.
2. Do you plan to serve your full term if re-elected? Yes
3. Do you have any plans to return to private practice one day? No
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I adhere strictly to the provisions and spirit of Judicial Canon 3(B)(7) and the limited exceptions listed therein.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I adhere strictly to the provisions and spirit of Judicial Canons 1, 2(A), (B) and 3(E)(1) and the commentaries thereto, and particularly 3(E)(1)(b).
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I consider each such matter on a case-by-case basis, applying the Canons and commentaries listed in the response to question six and weighing the amount of the potential appearance of bias against the impact to the administration of justice which could occur by a recusal, including the point in the proceedings in which the potential appearance of bias became known.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I strictly apply and adhere to the Canons and commentaries listed in the

response to question six, as well as considerations embodied in Canon 4, giving particular weight to 3(E)(1)(c) and (d). I would recuse myself if a spouse or relative had direct economic interest in the outcome of a case. Were the matter one in which an appearance of impropriety could arise indirectly and without actual interest in the case, again, I would consider each such matter on a case-by-case basis, making full disclosure on the record and weighing the amount of the potential appearance of bias against the impact to the administration of justice which could occur by a recusal, including the point in the proceedings in which the potential appearance of bias became known.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I adhere strictly to the provisions and spirit of Judicial Canons 1, 2(A), (B), 3 and 4 and the commentaries thereto, and particularly 4(D)(5) and the commentaries and exceptions thereto.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would apply Canon 3(D)(1) and (2) and the commentary thereto. In cases in which the appropriate action is discretionary (as opposed to required reporting in specified situations), I would use every effort to communicate directly with the judge or lawyer to urge self-remediation or self-reporting, where appropriate. My actions and decisions would further be guided by the gravity of misconduct or suspected misconduct and its prejudicial effect upon the administration of justice in this State.
11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated? No
12. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No
13. How do you handle the drafting of orders? For those orders not drafted by me or my clerk under my supervision, I adhere to the commentary to Canon 3(B)(7). I further specifically counsel my clerk as to the requirements of the same.
14. What methods do you use to ensure that you and your staff meet deadlines? My administrative assistant, law clerk and I all have matters that involve deadlines calendered on our computers. We maintain constant contact with each other to insure all deadlines are met.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I believe the administration of justice should be restrained and fair, with very minimal consideration, if any, given at the Circuit Court level to expansion of existing law or policy. I do believe that public policy considerations can properly be given weight in situations in which precedent is not controlling.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? I would commit a portion of my free time to participation in judicial seminars and Bar-sponsored activities, such as assisting in presenting CLEs.
17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? No
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
 - a. Repeat offenders:
 - b. Juveniles (that have been waived to the circuit court)
 - c. White collar criminals:
 - d. Defendants with a socially and/or economically disadvantaged background:
 - e. Elderly defendants or those with some infirmity:My answer to these inquiries applies to each subcategory. Sentencing would depend upon the applicable law, including any guidelines or requirements regarding mandatory minimum sentences or enhanced sentences; the facts of the case; the extent to which the crime was egregious; any input from the victim; and all mitigating circumstances brought to my attention, as well as applicable aggravating circumstances.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Possibly, so long as the interest were truly *de minimus*, as defined in Rule 501, and after full disclosure.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge? Attentive and neutral, including body language, expression and inflection. A judge's demeanor should reflect the command of the law, the dedication to impartiality and the commitment to justice that the office requires.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply

seven days a week, twenty-four hours a day? Seven days a week, twenty-four hours a day

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? The question is less one of being angry than the expression of anger or allowing it to affect one's conduct or decisions. Bearing in mind Canons 2(A) and 3(B) and the comments thereto, I believe that judges are required to exercise and show restraint and neutrality, most especially when the failure to do so may indicate prejudice, bias or intolerance of race, sex, religion or other so-called suspect classifications. I do not have the opinion that displays of anger are appropriate, and especially not with *pro se* litigants. While a judge may not be able to prevent himself or herself from having all independent thoughts or feelings, he or she should strive always to prevent disclosing the same.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
31. Have you contacted any members of the Judicial Merit Selection Commission? No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ Doyet A. Early

Sworn to before me this 12th day of August, 2009.

Notary Public for South Carolina

My commission expires: 02-24-2013